REMARKS

Claims 1-13, 38-39, 49-50 and 51-56 are pending in the present application. Claims 1, 38, 39, 49, 50, 51 and 54-56 were amended. Claims 40 and 41 have been cancelled. Reconsideration of the claims is respectfully requested.

Claim 55 was objected to as being vague. Claim 55 has been amended to clarify that the 'next highest' entertainment file has a rating equal to or less than the current entertainment file.

Claims 1-8, 11, 13, 51-56 were rejected under 35 USC 103(a) as being over Stumphauzer, II (US 2003/0014767) in view of Shoff (2004/0210824) and further in view of Pendakur (2003/0135605). Claims 9, 10 and 12 were rejected as being unpatentable over Stumphauzer, II, in view of Shoff, Pendakur and Connelly (2002/0194585). Claims 38-41 were rejected under 35 USC 103(a) as being unpatentable over Stumphauzer, II in view of Shoff. Claims 49, 50 were rejected under 35 USC 102(e) as being anticipated by Stumphauzer, II.

Claims 1 and 49 as amended are now drawn to an interactive entertainment system and method respectively for retrieving a preferred entertainment file from among a plurality of streaming files based on the user rating information and directing the entertainment file to a user output device that plays the streaming file. A user input device enables a user to provide real time feedback regarding the entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming. Support for current amendments is provided in paragraph [0024] on page 11.

In Stumphauzer, the user logs on to a website and creates a virtual playlist specifying the desired selections. The playlist is subsequently transferred to the user's receiver. The user can create new playlists, edit the current playlist including the selections, their respective ranks, if any, and interrupt permission, if any. As shown in Figure 6, this is all done via a user computer and website hosted by the server. Pendakur provides an interface allowing the user to input preferences and rating information. This information, or a sanitized version thereof to protect the user's privacy, is provided as feedback to the content provider, which is aggregated with other user feedback to modify future content for broadcast. The user preferences

are also used to create a user profile and preference data that is kept resident on the receiver [0055]. The resident user profile and preference data is used to selectively cache broadcast content at the receiver (blocks 910 and 915). The combination of Stumphauzer and Pendakur does not teach the use of a user input device to provide real time feedback regarding said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming.

Claim 38 as amended is now drawn to an interactive entertainment system for retrieving a preferred entertainment file from among a plurality of streaming files based on the user rating information and directing the entertainment file to a user output device that plays the streaming file. A user input device enables a user to block playback of the retrieved and currently streaming entertainment file causing the receiver to tune to the next highest rated entertainment file. Support for current amendments is provided in Figures 1 and 2 and the text in paragraphs [0022] to [0028]. In Stumphauzer, the receiver determines if the currently playing program can be interrupted and, if so, and if there is a higher ranked program, the receiver will tune to that program. Stumphauzer provides no capability for the user to actively interrupt playback and cause the receiver to tune to another entertainment file that meets the user's preferences. Furthermore, this claimed feature is different than allowing the user to simply change the channel. Pendakur provides an interface for allowing the user to input preference and rating information which is fed back to the content provider and stored locally but there is no suggestion that the input of preference and rating information can have the effect of blocking the content that is currently playing and causing the receiver to select a different virtual channel. Claim 39 recites that the blocking and rating information provided by the user is fed back to update the user rating information stored on the data base for subsequent streaming.

Claims 55-56 as dependent from claim 1 recite similar limitations regarding the user blocking capability. In claim 55, if the user actively blocks the current streaming entertainment file and none of the other streaming files have a higher rating, the receiver selects the next highest entertainment file 'having a rating equal to or less than the current entertainment file.' As a result of the user block, the receiver actually selects a lower rated (next highest) entertainment file. Claim 56 has been

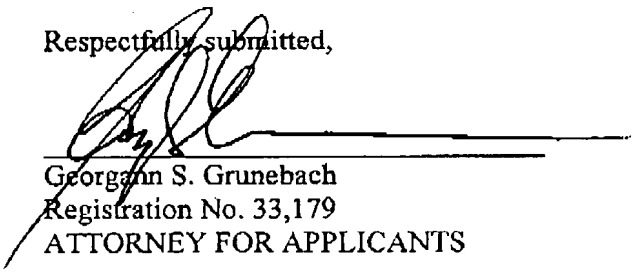
amended to that it is not worded in the alternative. The input device enables the user to do nothing, block and rate the currently streaming entertainment file. Pendakur does not teach user blocking of currently streaming entertainment files.

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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